

**FILED**

**FEB 16 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

SHEPARD SANDERS,

Petitioner - Appellant,

v.

JILL BROWN, Warden,

Respondent - Appellee.

No. 04-16611

D.C. No. CV-02-04195-VRW

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Northern District of California  
Vaughn R. Walker, District Judge, Presiding

Submitted February 13, 2006<sup>\*\*</sup>

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Shepard Sanders appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 petition. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Sanders contends that use of his prior nonjury juvenile adjudication to enhance his sentence under California's Three Strikes law violated his constitutional right to due process. This contention fails. The California court's decision to use Sanders' prior juvenile adjudications as predicate offenses in calculating his Three Strikes is not contrary to, or an unreasonable application of, clearly established federal law. *See* 28 U.S.C. § 2254(d)(1); *Boyd v. Newland*, 393 F.3d 1008, 1017 (9th Cir. 2004) (holding that the California courts' use of Petitioner's juvenile adjudication as a sentencing enhancement was not contrary to, or involved an unreasonable application of, Supreme Court precedent).

The request to broaden the scope of the certificate of appealability is denied. *See* 28 U.S.C. § 2253(c)(2); 9th Cir. R. 22-1(e).

**AFFIRMED.**